

REFERENCE TITLE: employer communications; religious; political beliefs.

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2351

Introduced by
Representatives Prezelski, Gallardo, Sinema: Lujan

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING
SECTION 23-204; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, article 1, Arizona Revised Statutes,
3 is amended by adding section 23-204, to read:

4 23-204. Employer communication about politics, religion or
5 labor organizations: violations: exceptions:
6 definitions

7 A. AN EMPLOYER OR AN EMPLOYER'S DESIGNEE SHALL NOT REQUIRE ANY
8 EMPLOYEE TO ATTEND A MEETING SPONSORED BY THE EMPLOYER OR TO PARTICIPATE IN
9 ANY COMMUNICATION WITH THE EMPLOYER THAT HAS A PRIMARY PURPOSE OF
10 COMMUNICATING THE EMPLOYER'S OPINION ABOUT RELIGIOUS OR POLITICAL MATTERS.
11 IF AN EMPLOYER IS REQUIRED BY ANOTHER LAW TO COMMUNICATE A RELIGIOUS OR
12 POLITICAL MATTER TO AN EMPLOYEE, THE EMPLOYER MAY COMMUNICATE THAT RELIGIOUS
13 OR POLITICAL MATTER TO THE EMPLOYEE.

14 B. AN EMPLOYEE MAY REPORT A VIOLATION OF THIS SECTION TO THE
15 INDUSTRIAL COMMISSION. AN EMPLOYER OR AN EMPLOYER'S DESIGNEE SHALL NOT
16 DISCHARGE, DISCIPLINE OR PENALIZE OR THREATEN TO DISCHARGE, DISCIPLINE OR
17 PENALIZE ANY EMPLOYEE WHO MAKES A GOOD FAITH REPORT THAT AN EMPLOYER HAS
18 VIOLATED THIS SECTION.

19 C. AN EMPLOYEE WHO IS AGGRIEVED BY REASON OF A VIOLATION OF THIS
20 SECTION MAY FILE AN ACTION IN SUPERIOR COURT WITHIN NINETY DAYS OF THE
21 ALLEGED VIOLATION TO ENFORCE THIS SECTION. THE COURT MAY AWARD A PREVAILING
22 EMPLOYEE APPROPRIATE RELIEF, INCLUDING REHIRING OF THE EMPLOYEE TO THE
23 EMPLOYEE'S FORMER POSITION, ANY LOST WAGES AND REESTABLISHMENT OF ANY
24 EMPLOYEE BENEFITS. THE COURT SHALL AWARD A PREVAILING EMPLOYEE TREBLE
25 DAMAGES, COSTS AND REASONABLE ATTORNEY FEES.

26 D. THIS SECTION SHALL NOT BE CONSTRUED TO LIMIT AN EMPLOYEE'S RIGHT TO
27 BRING A COMMON LAW CAUSE OF ACTION AGAINST AN EMPLOYER FOR WRONGFUL
28 TERMINATION OR TO IMPAIR THE RIGHTS OF A PERSON UNDER A COLLECTIVE BARGAINING
29 AGREEMENT.

30 E. THIS SECTION DOES NOT PROHIBIT:

31 1. A RELIGIOUS ORGANIZATION FROM REQUIRING ITS EMPLOYEES TO ATTEND A
32 MEETING OR PARTICIPATE IN COMMUNICATIONS WITH THE EMPLOYER THAT HAS A PRIMARY
33 PURPOSE OF COMMUNICATING THE EMPLOYER'S RELIGIOUS BELIEFS, PRACTICES OR
34 TENETS.

35 2. A POLITICAL ORGANIZATION FROM REQUIRING ITS EMPLOYEES TO ATTEND A
36 MEETING OR PARTICIPATE IN COMMUNICATIONS WITH THE EMPLOYER THAT HAS A PRIMARY
37 PURPOSE OF COMMUNICATING THE EMPLOYER'S POLITICAL TENETS OR PURPOSES.

38 3. AN EDUCATIONAL INSTITUTION FROM REQUIRING STUDENT INSTRUCTORS TO
39 ATTEND LECTURES ON POLITICAL OR RELIGIOUS MATTERS THAT ARE PART OF THE
40 REGULAR COURSE WORK AT THE INSTITUTION.

41 F. FOR THE PURPOSES OF THIS SECTION:

42 1. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS SERVICES FOR AN EMPLOYER
43 UNDER A CONTRACT OF EMPLOYMENT EITHER MADE IN THIS STATE OR TO BE PERFORMED
44 WHOLLY OR PARTLY IN THIS STATE.

1 2. "EMPLOYER" MEANS A PERSON OR ENTITY THAT EMPLOYS AT LEAST TWO OR
2 MORE EMPLOYEES, INCLUDING THIS STATE AND ANY POLITICAL SUBDIVISION OF THIS
3 STATE.

4 3. "LABOR ORGANIZATION" MEANS ANY ORGANIZATION OF ANY KIND, OR ANY
5 AGENCY OR EMPLOYEE REPRESENTATION COMMITTEE OR PLAN, IN WHICH EMPLOYEES
6 PARTICIPATE AND THAT EXISTS FOR THE PURPOSE, IN WHOLE OR IN PART, OF DEALING
7 WITH EMPLOYERS CONCERNING GRIEVANCES, LABOR DISPUTES, WAGES, RATES OF PAY,
8 HOURS OF EMPLOYMENT OR OTHER CONDITIONS OF EMPLOYMENT.

9 4. "POLITICAL MATTERS" INCLUDES POLITICAL PARTY AFFILIATION OR THE
10 DECISION TO JOIN OR NOT TO JOIN ANY LAWFUL, POLITICAL, SOCIAL OR COMMUNITY
11 GROUP, ACTIVITY OR LABOR ORGANIZATION.